

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-6053

DYSHIKA MCFADDEN,

Defendant.

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**STATEMENT OF THE GOVERNMENT WITH RESPECT  
TO SENTENCING FACTORS**

**PLEASE TAKE NOTICE**, the government has fully reviewed the Pre-Sentence Investigation Report ("PSR") submitted by the United States Probation Department on or about June 29, 2022. The sentencing guideline calculations contained in the presentence report are identical to those contained in the plea agreement. Accordingly, the government has no objection to and adopts the findings outlined therein.

It is the understanding of the government and the defendant that, with a total offense level of 17 and criminal history category of III, the defendant's sentencing range is a term of imprisonment of 30 to 37 months, a fine of \$10,000 to \$95,000, and a period of supervised release of 1 to 3 years. The government respectfully requests that the Court impose a sentence within the guideline range.

Pursuant to Sentencing Guidelines § 5E1.1 and Title 18, United States Code, Section 3663A, the government requests that restitution in the amount of \$4,287.00 payable to the City of Rochester be ordered by the Court as a part of the sentence in this case. The government respectfully requests that the Court include restitution against the defendant and

that it be reflected in the final judgment of conviction.

Upon the ground that the defendant timely notified authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b).

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three business days prior to sentencing.

The defendant is required by 18 U.S.C. § 3013 to pay the sum of \$100 due at the time of sentencing.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Forfeiture/Financial Litigation Unit  
U.S. Attorney's Office--WDNY  
138 Delaware Avenue  
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be directly contacted regarding collection of the financial obligations.

DATED: Rochester, New York, July 20, 2022

Respectfully submitted,

TRINI E. ROSS  
United States Attorney

BY: 

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TO: Safa Robinson-Ferrer, Esq., Attorney for the Defendant  
Nicholas J. Bavaria, U.S. Probation Officer